

Serial No. 10/724,767

Docket No. K-0280A

Amdt. dated May 31, 2005

Reply to Office Action of April 28, 2005

### **REMARKS/ARGUMENTS**

Claims 61-86, 111-135 and 137-155 are pending in this application. Claims 87-110 and 136 have been canceled without prejudice or disclaimer of the subject matter contained therein and new claims 137-155 have been added. Applicant elects claims 61-86, 11-135 and 137-155 with traverse.

The Examiner has indicated that claims 61-86 are directed to class 714/774 and likewise claims 111-135 are directed to class 714/774. As set forth in MPEP §803, two criteria must be met, and the restriction of claims 111-135 (which is directed to a related invention) does not meet the second criterion since these claims do not have (1) a separate classification, (2) a separate status in the art when they are classifiable together and (3) a different field of search as required under MPEP §802.02, and the statements made in regard to these matters in the April 28, 2005 restriction requirement are believed to be incorrect. The same applies to new claims 137-155, which corresponds to claims 64-82 of parent application serial no. 09/898,040. It is noted that claims 64-82 were restricted in the parent application since these claims are also classified under class 714/774.

If the Examiner still believes that the restriction is proper, the undersigned respectfully requests a telephone conference to either (1) file Petition or (2) further elect over the telephone. It is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated

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inventions. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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